Docket No.: 1998 P 07512 US 04
App. No.: 09/071,664

REMARKS

Status of Claims

After entry of the above amendments, claims 1-16 and 18-21 are pending.

Claim 12 was amended above merely to correct an inadvertent clerical or typographical error by which claim 12 was mis-reproduced in an earlier amendment that was dated December 18, 2001. Thus, claim 12 is now restored to its intended form, as was correctly shown in an earlier amendment that was dated August 8, 2001.

Claims 1 and 11 were amended above for clarification. New claims 20 and 21 are identical to claims 1 and 11 before claims 1 and 11 were amended above. Reconsideration of all rejections is respectfully requested.

Summary of the Office Action

Item 1 of the Office Action made the Office Action final.

Item 2 rejected claims 1-16 and 18-19 under 35 U.S.C. 103(a) as being unpatentable over Smiley et al. (U.S. Pat. No. 5,982,863), hereinafter "Smiley", in view of Goss et al. (U.S. Pat. No. 6,493,447), hereinafter "Goss".

Item 3 stated that arguments made by Applicants in the previous Amendment are moot in view of the new ground(s) of rejection in the Office Action.

Items 4 and 5 recited the periods for reply to the Office Action and give contact information for the Examiner.

Claim Rejections

For efficiency of communication, the rejections will be discussed as though applied even to claim(s) that have been amended. Applicants respectfully traverse the rejections and request reconsideration.

Claim 1 recites a step of "the server immediately attempting to contact the second user based on the first user requesting". The other independent claims, claims 11, 19, and 21, recite similar limitations. Item 2 of the Office Action agrees that "Smiley et al fail to teach the method in which the server immediately

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attempting to contact the second user based on the first user requesting."
Applicants respectfully agree.

However, Item 2 of the Office Action contends that such a feature is taught by Goss, and that it would have been obvious to combine the feature allegedly taught by Goss into the teachings of Smiley. Applicants respectfully disagree.

Smiley

Smiley teaches an automatic telephone-appointment scheduling system suitable for use by a doctor's office. Smiley's system allows a doctor's patient to request a call-back from the doctor. Smiley's system then automatically schedules a particular time window with the patient. Later, within the scheduled time window, the doctor calls the patient back. The entire purpose of Smiley is to schedule a later appointment, so that the doctor is not disturbed during his workday.

Goss

In contrast to Smiley, Goss teaches a system that is used within a call center to connect, to a website visitor, "any available agent" from a pool of live, dedicated agents. Once an "available agent" is found, then the agent's computer is made to display what the website visitor sees on the website visitor's browser, so that the agent can begin to handle the website visitor's query immediately. The agent can also call the website visitor by telephone. (See, e.g., Goss, cols. 7-8.)

No Suggestion, Motivation, or Expectation of Success to Combine Art

The express purpose of Smiley is to free a doctor from talking with a patient immediately. Accordingly, Smiley teaches away from any feature from Goss or anywhere else that includes an immediate callback from the doctor. Accordingly, there was no suggestion and no motivation from combining the cited feature of Goss into Smiley. In fact, combining such a feature into Smiley would have frustrated the very purpose of Smiley. Accordingly, there would have been

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no expectation of success from combining the cited feature of Goss into Smiley. Instead, there would have been an expectation of failure.

Accordingly, Applicants respectfully submit that independent claims 1, 11, 20 and 21 are allowable over the cited references. All dependent claims include the limitations of their respective base claims 1, 11, 20 or 21. Accordingly, Applicants respectfully submit that all dependent claims are allowable for at least the same reasons discussed above as are their respective base claims. All assertions regarding the dependent claims in the Office Action, and in earlier office actions, are therefore moot.

Claim 1 has been amended to recite: "first user contacting a call server to contact a specific person, hereinafter referred to as second user". Claim 11 has been amended to recite that "the second user is a person sought to be contacted by the first user". Such recitals even further distinguish Claims 1 and 11 from Goss because Goss, as discussed above, relates to a web visitor who seeks assistance from any agent from a pool of agents. Furthermore, any embodiment of any reference that might include such a recited feature is additionally less suitable for combination with the feature of Goss used in the Office Action's rejections.
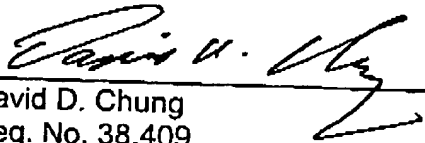
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Conclusion

Therefore, Applicants submit that their invention is not disclosed, taught, or suggested by the references of record. Therefore, it is submitted that all of the claims are allowable over the art of record and it is respectfully requested that the application be passed to allowance.

Respectfully submitted,

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